

Exhibit H - Deposition of Defendant Michael Flores

OFFICER MICHAEL FLORES

February 08, 2018

1 REPORTER'S CERTIFICATE

2

3 STATE OF NEVADA)
4) ss
5 COUNTY OF CLARK)

6

7 I, Margie L. Carlson, CCR No. 287, do hereby
8 certify:

9 That I reported the taking of the deposition
10 of the witness, OFFICER MICHAEL FLORES, commencing
11 on February 8, 2018, at the hour of 1:59 p.m.

12 That prior to being examined, the witness was
13 duly sworn to testify to the truth and that I
14 thereafter transcribed said stenotypy notes and said
15 deposition is a complete, true, and accurate
16 transcription of said stenotypy notes taken down at
17 said time.

18 The witness and/or a party has requested to
19 read and sign the deposition transcript.

20 I further certify that I am not a relative or
21 employee of any party involved in said action, nor a
22 person financially interested in the action.

23 Dated at Las Vegas, Nevada, this 20th day
24 of February, 2018.



Margie L. Carlson
CCR No. 287

25

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ESTATE OF TASHI S. FARMER a/k/a)
TASHII FARMER a/k/a TASHII BROWN,))
by and through its Special)
Administrator, Elia Del Carmen)
Solano-Patricio; TAMARA BAYLEE)
KUUMEALI'MAKAMAE FARMER DUARTE,)
a minor, individually and as)
Successor-in-Interest, by and)
through her legal guardian,)
Stevandra Lk Kuanoni; ELIAS)
BAY KAIMIPONO DUARTE, a minor,)
individually and as Successor-)
in-Interest, by and through)
his legal guardian, Stevandra)
Lk Kuanoni,)

Plaintiffs,)

vs.)

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT, a political)
subdivision of the State of)
Nevada; OFFICER KENNETH LOPERA,)
individually and in his)
Official Capacity; and Does 1)
through 50, inclusive,)

Defendants.)

Case No.:
2:17-cv-
01946-JCM-PAL

VIDEOTAPED DEPOSITION OF OFFICER MICHAEL FLORES

Reported by: Margie L. Carlson, C.C.R. No. 287

Job: 25100

OFFICER MICHAEL FLORES

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<p>1 VIDEOTAPED DEPOSITION OF OFFICER MICHAEL FLORES</p> <p>2 Taken at the Law Offices of Callister & Associates</p> <p>3 330 East Charleston Boulevard, Suite 100</p> <p>4 Las Vegas, Nevada</p> <p>5</p> <p>6 On Thursday, February 8, 2018</p> <p>7 At 1:59 p.m.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 OFFICER MICHAEL FLORES</p> <p>5 Examination by Mr. Sayre 6</p> <p>6 Examination by Mr. Anderson 49</p> <p>7 Further Examination by Mr. Sayre 58</p> <p>8 Examination by Mr. McNutt 59</p> <p>9</p> <p>10 EXHIBITS MARKED</p> <p>11 Plaintiff's:</p> <p>12 Exhibit 1 Las Vegas Metropolitan</p> <p>13 Police Department</p> <p>14 Employee Statement 62</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 APPEARANCES:</p> <p>2 For the Plaintiffs: FEDERICO C. SAYRE, ESQ.</p> <p>3 Abir Cohen Treyzon Salo, LLP</p> <p>4 1901 Avenue of the Stars</p> <p>5 Suite 935</p> <p>6 Los Angeles, CA 90067</p> <p>7 310 407-7888 telephone</p> <p>8 424 288-4368 fax</p> <p>9 fsayre@actslaw.com</p> <p>10</p> <p>11 For the Defendants: CRAIG R. ANDERSON, ESQ.</p> <p>12 (LVMPD) Marquis Aurbach Coffing</p> <p>13 10001 Park Run Drive</p> <p>14 Las Vegas, Nevada 89145</p> <p>15 702 382-0711 telephone</p> <p>16 702 382-5816 fax</p> <p>17 canderson@macclaw.com</p> <p>18</p> <p>19 (Officer DANIEL R. McNUTT, ESQ.</p> <p>20 Kenneth Lopera) McNutt Law Firm</p> <p>21 625 South Eighth Street</p> <p>22 Las Vegas, Nevada 89101</p> <p>23 702 384-1170 telephone</p> <p>24 702 384-5529 fax</p> <p>25 drmc@mcnuttlawfirm.com</p> <p>(Officer PETER M. ANGULO, ESQ.</p> <p>Michael Flores) Olson, Cannon, Gormley,</p> <p>Angulo & Stoberski</p> <p>9950 West Cheyenne Avenue</p> <p>Las Vegas, Nevada 89129</p> <p>702 384-4012 telephone</p> <p>702 383-0701 fax</p> <p>pangulo@ocgas.com</p> <p>Also present: NANCY HEFFERNAN, Videographer</p> <p>*****</p>	<p>1 THE VIDEOGRAPHER: On the record. This</p> <p>2 begins Media No. 1 of the deposition of</p> <p>3 Officer Michael Flores in the matter of Estate of</p> <p>4 Tashi S. Farmer, et al., versus Las Vegas</p> <p>5 Metropolitan Police Department, et al. This case is</p> <p>6 in the United States District Court, District of</p> <p>7 Nevada, and the Case No. is 2:17-cv-01946-JCM-PAL.</p> <p>8 Today's date is February 8, 2017 (sic), and the time</p> <p>9 is 1:59. This deposition is taking place at 330</p> <p>10 East Charleston Boulevard, Las Vegas, Nevada. The</p> <p>11 videographer is Nancy Heffernan, appearing on behalf</p> <p>12 of First Legal.</p> <p>13 Will counsel please introduce yourself</p> <p>14 and state who you represent.</p> <p>15 MR. SAYRE: For the plaintiffs Federico</p> <p>16 Sayre.</p> <p>17 MR. McNUTT: Dan McNutt on behalf of</p> <p>18 Officer Ken Lopera.</p> <p>19 MR. ANDERSON: Craig Anderson on behalf</p> <p>20 of Las Vegas Metropolitan Police Department.</p> <p>21 MR. ANGULO: Peter Angulo appearing on</p> <p>22 behalf of Officer Flores.</p> <p>23 MR. SAYRE: Officer --</p> <p>24 THE VIDEOGRAPHER: The reporter is Margie</p> <p>25 Carlson with First Legal.</p>

OFFICER MICHAEL FLORES

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<p style="text-align: right;">Page 6</p> <p>1 Will the reporter please swear in the</p> <p>2 witness.</p> <p>3</p> <p>4 Whereupon,</p> <p>5 OFFICER MICHAEL FLORES,</p> <p>6 having been first duly sworn to testify to the</p> <p>7 truth, the whole truth and nothing but the truth,</p> <p>8 was examined and testified as follows:</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. SAYRE:</p> <p>12 Q. Officer Flores, have you ever had your</p> <p>13 deposition taken before?</p> <p>14 A. No.</p> <p>15 Q. I am representing the estate and the</p> <p>16 children of a decedent by the name of Tashi Farmer</p> <p>17 Brown. Mr. Farmer died in an incident back in May</p> <p>18 of 2017, and you were present during part of what</p> <p>19 occurred between himself and Officer Lopera, so I'm</p> <p>20 going to be asking you some questions concerning</p> <p>21 those events. You've been sworn to tell the truth,</p> <p>22 and although we're sitting here somewhat informally,</p> <p>23 you understand that oath is as binding on you here</p> <p>24 as if we were in a courtroom of law?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Please wait until I finish my question</p> <p>2 before you start your answer. I'll wait until</p> <p>3 you've finished your answer before I start my next</p> <p>4 question. Besides simply being courteous, it's also</p> <p>5 difficult for the court reporter to take down</p> <p>6 two people who are speaking at the same time. Do</p> <p>7 you understand that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. I don't expect this to be a lengthy</p> <p>10 deposition. However, at any time if you wish to</p> <p>11 take a break, use the facilities, talk to your</p> <p>12 lawyer, whatever you want to do, just let me know</p> <p>13 and your request will be honored. The only thing I</p> <p>14 would ask is if there is a question pending please</p> <p>15 answer the question before we take a break. Will</p> <p>16 you do that, please?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Have you taken any kind of medication or</p> <p>19 any kind of substance that would affect your ability</p> <p>20 to give your best deposition here today, meaning</p> <p>21 that it would affect your recollection or your</p> <p>22 ability to enunciate, anything like that?</p> <p>23 A. No.</p> <p>24 Q. Officer Flores, could you please tell me</p> <p>25 about your educational background beginning with</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Everything that is said here today will</p> <p>2 be taken down by the court reporter. She'll later</p> <p>3 have it typed up into a booklet form in a couple</p> <p>4 weeks, and you'll be given a copy to read and</p> <p>5 review, and you can make any changes or corrections</p> <p>6 that you deem appropriate. However, if you make any</p> <p>7 changes or corrections either myself or some other</p> <p>8 attorney can make comment upon that fact. Do you</p> <p>9 understand that?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Just as you've been doing up, nicely up</p> <p>12 to now please continue to answer out loud. Such</p> <p>13 common expressions as uh-huh, huh-uh, or nods of the</p> <p>14 head or shakes of the head, are too difficult for</p> <p>15 the court reporter to interpret, so please continue</p> <p>16 to answer out loud. Will you do that, please?</p> <p>17 A. Yes, sir.</p> <p>18 Q. If you don't understand a question that</p> <p>19 I've asked you, please tell me to repeat it,</p> <p>20 rephrase it, or in some way indicate that you did</p> <p>21 not understand the question, and I'll do my best to</p> <p>22 make it more understandable.</p> <p>23 If you answer a question I'm going to</p> <p>24 assume that you've understood it. Is that fair?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 9</p> <p>1 high school?</p> <p>2 A. I have a high school degree from Taft</p> <p>3 High School located in Chicago, Illinois. I have a</p> <p>4 bachelor's degree from Northern Illinois</p> <p>5 University. I have a master's degree from Western</p> <p>6 Illinois University.</p> <p>7 Q. What year did you receive your high</p> <p>8 school diploma?</p> <p>9 A. 2001.</p> <p>10 Q. And what was your bachelor's degree in?</p> <p>11 A. Criminal justice.</p> <p>12 Q. And what year, please?</p> <p>13 A. 2005.</p> <p>14 Q. And your master's, please?</p> <p>15 A. Law enforcement and justice</p> <p>16 administration in 2008.</p> <p>17 Q. Beginning in 2008 did you take any</p> <p>18 employment positions prior to taking your employment</p> <p>19 with the Metropolitan Police Department?</p> <p>20 A. In what regards of employment?</p> <p>21 Q. Any kind of employment.</p> <p>22 A. Yes, I had several jobs.</p> <p>23 Q. Okay. Starting after your master's</p> <p>24 degree what was your first employment?</p> <p>25 A. I worked at CDW.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. What is that?</p> <p>2 A. That's a company that sells electronics</p> <p>3 over the phone. I was an account manager.</p> <p>4 Q. Was that in Chicago?</p> <p>5 A. That's correct, Vernon Hills, Illinois,</p> <p>6 right outside of Chicago.</p> <p>7 Q. How long did you do that job?</p> <p>8 A. Approximately a year.</p> <p>9 Q. What was your next position?</p> <p>10 A. Let's see. I worked at Chase Bank as a</p> <p>11 bank teller.</p> <p>12 Q. Was that still in Chicago?</p> <p>13 A. I moved out here in 2010 to apply to the</p> <p>14 police department. They were on a freeze, so I</p> <p>15 began at Chase Bank here in Henderson, Nevada, and</p> <p>16 then I transferred back to Chicago, so it was half</p> <p>17 here for about six months, Chicago for a year.</p> <p>18 Q. In both locations as a teller?</p> <p>19 A. That's correct.</p> <p>20 Q. After that did you join the police</p> <p>21 department?</p> <p>22 A. I did.</p> <p>23 Q. And what year was that now, please?</p> <p>24 A. It was the Chatanooga Police Department,</p> <p>25 and that was I believe 2012, January of 2012.</p>	<p style="text-align: right;">Page 12</p> <p>1 yeah, it's a year and a half after you start.</p> <p>2 Q. Okay, so if you started in '14 then --</p> <p>3 A. I think that's correct, 2016.</p> <p>4 Q. You gave an interview to the Critical</p> <p>5 Incident Review Team on May 30th, 2017; is that</p> <p>6 correct?</p> <p>7 A. That's correct.</p> <p>8 MR. SAYRE: Let me give you a copy. I</p> <p>9 don't have enough for everybody, but perhaps if your</p> <p>10 counsel could share it with you, and I have one for</p> <p>11 you two fine gentlemen.</p> <p>12 MR. ANDERSON: I have one.</p> <p>13 MR. SAYRE: It's CIRT, yes, not the FIT</p> <p>14 Team.</p> <p>15 Q. As I recall in that interview you said</p> <p>16 that you came off of probation about November of</p> <p>17 2016.</p> <p>18 A. That's correct.</p> <p>19 Q. So this incident happened in May of 2017,</p> <p>20 approximately seven or eight months later, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Now, when you first went to work for the</p> <p>23 Metropolitan Police Department in Las Vegas what was</p> <p>24 your first position?</p> <p>25 A. I was in the academy.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. And that's certainly not in Chicago I</p> <p>2 assume?</p> <p>3 A. Absolutely not, Tennessee.</p> <p>4 Q. All right. How long were you with the</p> <p>5 Chattanooga Police Department?</p> <p>6 A. Approximately a year and a half.</p> <p>7 Q. Were you a patrolman?</p> <p>8 A. I was.</p> <p>9 Q. Did you go through an academy when you</p> <p>10 joined the Chattanooga Police Department?</p> <p>11 A. Yes.</p> <p>12 Q. All right. When did you join the</p> <p>13 Metropolitan Police Department in Las Vegas?</p> <p>14 A. That would be November 3rd, 2014.</p> <p>15 Q. Did you go through an academy here in</p> <p>16 Las Vegas?</p> <p>17 A. Yes.</p> <p>18 Q. And after your academy you were on</p> <p>19 probation for a period of time?</p> <p>20 A. Correct.</p> <p>21 Q. Until sometime around November of 2016;</p> <p>22 is that correct?</p> <p>23 A. I believe it was November, 2015.</p> <p>24 Q. Okay.</p> <p>25 A. Could have been 2016. I'm trying to --</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Right.</p> <p>2 A. I was a recruit.</p> <p>3 Q. Right, and then?</p> <p>4 A. And then I was a PO1.</p> <p>5 Q. Police Officer 1?</p> <p>6 A. Correct.</p> <p>7 Q. Uh-huh, and where did you, were you</p> <p>8 assigned to a particular location?</p> <p>9 A. As a PO1 I was assigned to northeast with</p> <p>10 an FTO and then southeast with an FTO.</p> <p>11 Q. And that FTO is a training officer?</p> <p>12 A. Yes.</p> <p>13 Q. And you were, responsibilities were as a</p> <p>14 patrol person, patrolman?</p> <p>15 A. Correct.</p> <p>16 Q. At some point you were assigned to a Flex</p> <p>17 Team?</p> <p>18 A. Correct.</p> <p>19 Q. And when was that?</p> <p>20 A. That was approximately February of 2017.</p> <p>21 Q. Okay. And had you been working on the</p> <p>22 Strip at all prior to February of 2017?</p> <p>23 A. Yes.</p> <p>24 Q. And what was your, when did you start</p> <p>25 working on the Strip?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. That would have been I would say a year 2 prior to that. I would say around January, February 3 of 2016, I believe. 4 Q. Okay, and tell me what was your area of 5 responsibility prior to February of 2017 with 6 regards to the Strip? 7 A. I was a patrol officer, and I worked 8 graves, and my area of responsibility was the Strip, 9 so Russell Road all the way up to Sahara, Paradise 10 to the 15. 11 Q. So you were not assigned to a specific 12 casino? 13 A. No. 14 Q. At any point in time were you ever 15 assigned to a specific casino? 16 A. Before the Flex Team? 17 Q. Before the Flex Team. 18 A. No. 19 Q. Once you became a member of the Flex Team 20 were you assigned to a specific casino? 21 A. When we had Safe Strip, yes. 22 Q. Okay, and tell me about Safe Strip, 23 please. 24 A. Safe Strip was to do proactive work on 25 the Strip to prevent violent crimes from occurring,</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. All right. Besides your training in the 2 academy have you prior to May of 2017 received any 3 kind of specialized training? 4 A. Not that I can recall. 5 Q. I'd like to draw your attention to the 6 night of May the 13th and the morning of May the 7 14th. This is the night that there was an incident 8 between Officer Lopera and Mr. Tashi Farmer. Do you 9 recall that night? 10 A. Yes. 11 Q. All right. And what was your assignment 12 that night? 13 A. My partner and myself were assigned to 14 Linq for Safe Strip. 15 Q. And your partner that night was Michael 16 Tran? 17 A. Yes. 18 Q. How long had he been your partner? 19 A. He has been my partner since I joined the 20 Flex Team. 21 Q. And you joined the Flex Team in February 22 of 2017? 23 A. I believe so, yes. 24 Q. Do you know that Officer Tran has been 25 deposited in this case?</p>
<p style="text-align: right;">Page 15</p> <p>1 so we had two officers stand in front of casinos as 2 a deterrence and to prevent violent crimes from 3 happening. 4 Q. Okay, what was the difference between 5 Safe Strip and the Flex Team? 6 A. Safe Strip you were specifically 7 dedicated to one casino where you walked around the 8 area, the premises, to prevent violent crimes, and 9 when we were doing patrol it was more so the whole 10 entire Strip. We would take calls and go handle 11 situations that casinos came up with or if something 12 came out on our own we would handle it, but we were 13 not dedicated to a specific casino. 14 Q. When you were a part of Safe Strip what 15 casino or casinos were you assigned to? 16 A. Linq 1, or that was our call sign I 17 apologize, Linq, there's a couple that switched, 18 Treasure Island once, maybe twice. Different 19 casinos. 20 Q. Okay. And you would be stationary at 21 that casino during the course of your, your, your 22 ten hours or so? 23 A. Correct. 24 Q. Have you always worked 10-4? 25 A. At this department, yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I don't know. 2 Q. Did he talk to you about being deposited? 3 A. No. 4 Q. Are you still partners with him today? 5 A. No. 6 Q. When did you stop? 7 A. I left the Flex Team in July of 2017 and 8 went to day shift. 9 Q. On the Strip or some other location? 10 A. Still on the Strip. 11 Q. Okay. Now, as I understand it you were 12 purchasing a home so you didn't start your shift at 13 9 o'clock that night, the night of the 13th? 14 A. That sounds right. 15 Q. And so you were picked up from the 16 station by Officer Tran about 11, 11:30 or so? 17 A. To my acknowledgment, yes. 18 Q. And you did attend the Safe Strip 19 briefing which occurs at midnight? 20 A. I recall I did, yes. 21 Q. Now who would normally have been your 22 sergeant that night? 23 A. Sgt. Obasi. 24 Q. How long had he functioned as your 25 sergeant?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. Since I joined Flex Team in February.</p> <p>2 Q. Okay. But Sgt. Obasi was not present</p> <p>3 that night, correct?</p> <p>4 A. Correct.</p> <p>5 Q. So who was the sergeant that was your</p> <p>6 sergeant that night?</p> <p>7 A. Sgt. Crumrine.</p> <p>8 Q. Had you ever had Sgt. Crumrine as a</p> <p>9 supervisor before that night?</p> <p>10 A. Not that I could recall, no.</p> <p>11 Q. I'm pretty sure you haven't since,</p> <p>12 correct?</p> <p>13 A. No.</p> <p>14 Q. Now, do you recall that you and</p> <p>15 Officer Tran were approaching the Linq to begin your</p> <p>16 responsibilities there that night?</p> <p>17 A. Yes.</p> <p>18 Q. And you got a red call from Venetian,</p> <p>19 correct?</p> <p>20 A. That's correct.</p> <p>21 Q. And what did that mean to you?</p> <p>22 A. Officer Tran and myself were in the</p> <p>23 parking lot of Linq Casino. We were just about to</p> <p>24 step out of our patrol vehicle and walk inside. We</p> <p>25 heard, "Venetian, give me a red," and dispatch</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay, and you were the passenger in the</p> <p>2 vehicle?</p> <p>3 A. That's correct.</p> <p>4 Q. Officer Tran was driving?</p> <p>5 A. Yes.</p> <p>6 Q. And you came to a stop alongside the</p> <p>7 Crown Vic that you saw with the lights on?</p> <p>8 A. That's correct.</p> <p>9 Q. Now, from your location you were able to</p> <p>10 see Sgt. Crumrine?</p> <p>11 A. I believe so.</p> <p>12 Q. And you saw a person who, although not</p> <p>13 immediately, you later recognized as Officer Lopera?</p> <p>14 A. Correct.</p> <p>15 Q. And you saw a gentleman who you later</p> <p>16 came to understand was named Farmer?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. And that was before you got out of</p> <p>19 the vehicle?</p> <p>20 A. Yes.</p> <p>21 Q. Now, when you first saw Officer Lopera,</p> <p>22 is it correct that he was on his back?</p> <p>23 A. Yes.</p> <p>24 Q. And he had at least one of his arms</p> <p>25 encircling the neck of Mr. Farmer?</p>
<p style="text-align: right;">Page 19</p> <p>1 asked, "Where's, what's your location?" because</p> <p>2 Venetian's a big property, so I remember looking at</p> <p>3 Officer Tran and myself and said, "Let's go right</p> <p>4 over there" because they are neighboring properties,</p> <p>5 and it sounded like an officer was in trouble. All</p> <p>6 we heard was yelling, "Venetian, give me a red."</p> <p>7 Q. And you responded to the Venetian?</p> <p>8 A. That's correct.</p> <p>9 Q. In your vehicle?</p> <p>10 A. Yes.</p> <p>11 Q. Where did you park?</p> <p>12 A. When we got to the Venetian?</p> <p>13 Q. Correct.</p> <p>14 A. So we headed towards the rear of Venetian</p> <p>15 over by the security, and when we approached the</p> <p>16 Venetian property I seen a Crown Vic with the lights</p> <p>17 on, and we parked next to that Crown Vic.</p> <p>18 Q. Crown Vic meaning?</p> <p>19 A. The police vehicle.</p> <p>20 Q. Police vehicle?</p> <p>21 A. Correct.</p> <p>22 Q. What street were you on?</p> <p>23 A. The rear of Venetian. It's Sands, and it</p> <p>24 turns into a street that Venetian connects to it. I</p> <p>25 don't know the part where Venetian is.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. And his legs were encircling Mr. Farmer's</p> <p>3 body?</p> <p>4 A. That's correct.</p> <p>5 Q. What part of Mr. Farmer's body were his</p> <p>6 legs encircling?</p> <p>7 A. I believe his waist area, around his</p> <p>8 hips.</p> <p>9 Q. Were you able to identify whether or not</p> <p>10 when you first saw Officer Lopera, whether he had</p> <p>11 applied a lateral vascular neck restraint to</p> <p>12 Mr. Farmer as opposed to a rear-naked choke?</p> <p>13 A. No.</p> <p>14 Q. Now, you've been trained in how to escape</p> <p>15 from a rear-naked choke, correct?</p> <p>16 A. Rear-naked choke, I don't recall a</p> <p>17 rear-naked choke.</p> <p>18 Q. Okay. Take a look at your, at your</p> <p>19 statement if you would, please.</p> <p>20 A. What page is it?</p> <p>21 Q. Yeah, take a look at page 67. Look at</p> <p>22 line 20, please.</p> <p>23 A. (Witness complies.)</p> <p>24 Q. To the end of the page. You notice the</p> <p>25 officer asked you if you've ever, in training have</p>

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<p style="text-align: right;">Page 22</p> <p>1 you ever done the escape from the rear-naked choke, 2 and you answer I believe so. 3 A. Oh, I see below everything. 4 Q. Does that refresh your recollection? 5 A. Yes. 6 Q. And as a part of your training you knew 7 what a rear-naked choke was, correct? 8 A. Part of the training in the academy? 9 Q. That's right. 10 A. Yes. 11 Q. Okay. And could you describe please the 12 rear-naked choke? 13 A. Rear-naked choke would be when you put 14 your arm around a person's neck cutting off the 15 oxygen supply to their, to their body. 16 Q. That's your understanding of a rear-naked 17 choke? 18 A. The basis of it, yes. 19 Q. Do you know what the trachea is? 20 A. Correct. 21 Q. Do you know what it is? 22 A. Yes. 23 Q. Where, where is it located? 24 A. Right here (indicating). 25 Q. So you're saying a rear-naked choke</p>	<p style="text-align: right;">Page 24</p> <p>1 rear-naked choke in the academy? 2 A. Yes, we were trained, but it was -- I 3 don't remember in the academy specifically someone 4 putting their forearm against my trachea cutting off 5 the oxygen supply. 6 Q. Right. Let me represent to you that's 7 not a rear-naked choke is to put the forearm across 8 the trachea. Do you recall how they applied a 9 rear-naked choke in the academy? 10 A. I want to say it was the same way we 11 learned the LVNR. 12 Q. Similar, right. Do you remember how it 13 differed from an LVNR? 14 A. From my understanding a rear-naked choke 15 is you'd be cutting off the supply, hitting into the 16 trachea. LVNR you are not. Your bones are set up 17 on the sides of your neck, the carotid artery, and 18 you still have an area right here (indicating) where 19 your little fold is in your elbow so you're able to 20 not put any pressure on the trachea. 21 Q. So you could breathe? 22 A. Correct. 23 Q. Okay. Do you recall that when they 24 applied a rear-naked choke in the academy that you 25 could still breathe?</p>
<p style="text-align: right;">Page 23</p> <p>1 involves placing the arm across the trachea? 2 A. A rear-naked choke to my understanding, 3 yes. 4 Q. Is that how you were trained in the 5 academy? 6 A. No. 7 Q. Did they -- where did you learn about a 8 rear-naked choke? 9 A. I would say more so 'cuz we didn't learn 10 that in the academy necessarily. I mean I would say 11 more so from MMA fighting, TV. 12 Q. Do you recall that a rear-naked choke 13 actually involves the elbow being placed in front of 14 the trachea, not on it, with pressure being applied 15 to the rear of the neck in addition to pressure 16 along the side of the carotid? 17 A. No. 18 Q. Okay. Now, when they were teaching you 19 how to escape from a rear-naked choke in the 20 academy, are you saying that what they applied was a 21 choke hold to the trachea? 22 A. No. 23 Q. Okay. 24 A. Not to my recollection. 25 Q. Well, were you trained in escaping from a</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Yes. 2 Q. Okay. Do you remember that the 3 rear-naked choke differed from the lateral vascular 4 neck restraint in that the rear-naked choke there 5 was pressure placed on the back of the neck in 6 addition to along the sides of the neck? 7 A. I don't remember. 8 Q. Okay. Isn't it correct that you thought 9 it was possible that what Officer Lopera was 10 applying was a rear-naked choke that night? 11 A. At the time being I seen one hand from 12 Officer Lopera around Tashi Farmer's neck, and I did 13 not believe at the time it was a rear-naked choke. 14 Q. Would you take a look at page 68, line 15 13 through line 17. 16 A. (Witness complies.) It says in here that 17 it's possible, but I don't remember seeing that, I 18 did not think -- at the time I could not see what 19 the placement of his arm to see what kind of hold he 20 had him in. 21 Q. Do you recall that in the interview you 22 said it was possible that he placed a rear-naked 23 choke? 24 A. I don't recall it, but after looking at 25 this, this is what I said, but I wasn't sure upon</p>

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<p style="text-align: right;">Page 26</p> <p>1 it.</p> <p>2 Q. Okay. Is it correct, is your</p> <p>3 understanding, is it correct that your understanding</p> <p>4 that a rear-naked choke is out of policy? It is not</p> <p>5 an appropriate hold for an officer of the Las Vegas</p> <p>6 Metropolitan Police Department to use?</p> <p>7 A. Yes.</p> <p>8 Q. And if a person, police officer is using</p> <p>9 a rear-naked choke on a subject, would you as an</p> <p>10 officer have a duty to intervene to stop that hold</p> <p>11 from being used?</p> <p>12 A. Yes.</p> <p>13 Q. Including, if necessary, pulling the</p> <p>14 hands away from the person's neck?</p> <p>15 A. Yes.</p> <p>16 Q. Now, you recall that when you first</p> <p>17 looked at Officer Lopera through the window the</p> <p>18 passenger side of your vehicle you noticed that he</p> <p>19 had a neck hold applied?</p> <p>20 A. Yes.</p> <p>21 Q. Which could have been a lateral vascular</p> <p>22 neck restraint, correct?</p> <p>23 A. Correct.</p> <p>24 Q. All right. You don't know how long he</p> <p>25 had had that lateral vascular neck restraint applied</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Yes.</p> <p>2 Q. All right. Now, your understanding was</p> <p>3 at the time that the application of a lateral</p> <p>4 vascular neck restraint should only go on until</p> <p>5 there is compliance but in no event more than</p> <p>6 15 seconds, correct?</p> <p>7 Go ahead and read page 61 to the bottom</p> <p>8 of the page.</p> <p>9 A. (Witness complies.) Yes.</p> <p>10 Q. Right, and to maintain the lateral</p> <p>11 vascular neck restraint for longer than 15 seconds</p> <p>12 would be out of policy, correct?</p> <p>13 A. You have to get them, the individual into</p> <p>14 custody. Depends on the circumstances.</p> <p>15 Q. Well, when you said no more than</p> <p>16 15 seconds were you being truthful?</p> <p>17 A. Yes, I believe so.</p> <p>18 Q. All right, so once you saw that</p> <p>19 Officer Lopera had a lateral vascular neck restraint</p> <p>20 applied to Mr. Lopera -- I'm sorry, to Mr. Farmer</p> <p>21 for more than 15 seconds, you knew that he was out</p> <p>22 of policy, correct?</p> <p>23 A. In hindsight about everything. I don't</p> <p>24 recall going there and counting exactly 15 seconds.</p> <p>25 Q. Okay. At any time after he had had the</p>
<p style="text-align: right;">Page 27</p> <p>1 prior to your looking through the window and seeing</p> <p>2 him?</p> <p>3 A. Correct.</p> <p>4 Q. But you do remember that during the time</p> <p>5 that you were there at the scene he had the lateral</p> <p>6 vascular neck restraint applied for a minute?</p> <p>7 A. After I arrived to the scene he had it</p> <p>8 applied for a minute?</p> <p>9 Q. Yes.</p> <p>10 A. It could have been, I don't remember a</p> <p>11 minute. Maybe 30 seconds. I can't recall the exact</p> <p>12 time.</p> <p>13 Q. Take a look at page 61, and lines</p> <p>14 7 through 11.</p> <p>15 A. (Witness complies.) I said no more than</p> <p>16 a minute.</p> <p>17 Q. Right. You recall saying that?</p> <p>18 A. Yes.</p> <p>19 Q. Were you being truthful when you said</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay, so you believe that it was no more</p> <p>23 than a minute, correct?</p> <p>24 A. Yes.</p> <p>25 Q. But near a minute, correct?</p>	<p style="text-align: right;">Page 29</p> <p>1 lateral vascular neck restraint applied for</p> <p>2 15 seconds did you do anything to intervene?</p> <p>3 MR. ANGULO: Let me just lodge an</p> <p>4 objection to being an incomplete hypothetical as to</p> <p>5 how the lateral neck restraint is being applied and</p> <p>6 how much pressure is being used.</p> <p>7 MR. SAYRE: I think that's an improper</p> <p>8 objection under Nevada rules. You can object to</p> <p>9 form, but that's it. No speaking objections are</p> <p>10 allowed, sir.</p> <p>11 MR. ANGULO: I didn't think it was. I</p> <p>12 was just objecting to the form of the question.</p> <p>13 MR. SAYRE: No, you were being, giving a</p> <p>14 speaking objection, which is improper.</p> <p>15 MR. ANGULO: I disagree with you.</p> <p>16 MR. SAYRE: All right.</p> <p>17 Q. Officer Flores, at any time after</p> <p>18 15 seconds had passed that you observed the lateral</p> <p>19 vascular neck restraint applied to Mr. Farmer, did</p> <p>20 you do anything to intervene to stop the application</p> <p>21 of the lateral vascular neck restraint?</p> <p>22 A. I didn't, I didn't honestly when we got</p> <p>23 there seeing he had an LVNR on him I believe was but</p> <p>24 I'm on the lower part of Tashi Farmer's body trying</p> <p>25 to make him compliant, and I did not count</p>

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<p style="text-align: right;">Page 30</p> <p>1 15 seconds.</p> <p>2 Q. Officer, at anytime during the minute</p> <p>3 that you observing the lateral vascular neck</p> <p>4 restraint applied to the neck of Tashi Brown as you</p> <p>5 have testified --</p> <p>6 A. Yes.</p> <p>7 Q. -- did you do anything to intervene to</p> <p>8 stop it?</p> <p>9 MR. McNUTT: Objection, form.</p> <p>10 MR. ANDERSON: Objection, form.</p> <p>11 MR. ANGULO: Okay, that mischaracterizes</p> <p>12 his testimony.</p> <p>13 MR. SAYRE:</p> <p>14 Q. Your answer?</p> <p>15 A. Yes.</p> <p>16 Q. You did do something to intervene to stop</p> <p>17 it. What did you do to intervene to stop it?</p> <p>18 A. I remember we had, I heard an officer</p> <p>19 say, "Let him go," and I got him into custody as</p> <p>20 well. There was one hand that had a handcuff on it,</p> <p>21 another one that wasn't, and Lopera I believe let</p> <p>22 go.</p> <p>23 Q. Sir, you got him into custody in</p> <p>24 30 seconds; isn't that correct?</p> <p>25 A. I believe so, yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. -- to Lopera, I can't recall.</p> <p>2 Q. All right, you can't recall doing</p> <p>3 anything?</p> <p>4 A. To Lopera specifically?</p> <p>5 Q. Yes.</p> <p>6 A. No, I don't believe it, no.</p> <p>7 Q. All right. You felt that Officer Lopera</p> <p>8 was applying the lateral vascular neck restraint for</p> <p>9 too long, correct?</p> <p>10 A. At the time, no, I don't believe so.</p> <p>11 Q. Take a look at page 62 of your</p> <p>12 interview.</p> <p>13 A. (Witness complies.) What line?</p> <p>14 Q. Okay. Take a look at line 4 and then</p> <p>15 your response at line 5 and 6. Shall I read it for</p> <p>16 you?</p> <p>17 A. Oh, I see.</p> <p>18 Q. The question is, "Um, did you feel at any</p> <p>19 time it was on too long? MF:" That would be you.</p> <p>20 "Uh, th-yes. Um, I remember when, uh, my partner</p> <p>21 Tran's, like, 'Loosen up.' Cause we had him . . ."</p> <p>22 "Okay." ". . .cuffed dudes. Yes." Do you</p> <p>23 remember that testimony?</p> <p>24 A. This refreshes my memory.</p> <p>25 Q. So were you being truthful when you said</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Right, then what did you do after you got</p> <p>2 him into custody, if anything, to intervene to try</p> <p>3 to stop Officer Lopera from continuing to apply the</p> <p>4 lateral vascular neck restraint on Mr. Farmer?</p> <p>5 A. From what I recall he let go, and we</p> <p>6 stood Tashi Farmer -- we stand him up and went ahead</p> <p>7 and gave him a firm pat on the back to try to revive</p> <p>8 him and called for medical.</p> <p>9 Q. Okay, you've testified that it took you</p> <p>10 30 seconds to, to basically gain compliance of</p> <p>11 Mr. Farmer by handcuffing him, correct?</p> <p>12 A. Yes.</p> <p>13 Q. All right, then if the lateral vascular</p> <p>14 neck restraint was in place for 60 seconds, what did</p> <p>15 you do for the remaining 30 seconds to stop</p> <p>16 Officer Lopera from applying the lateral vascular</p> <p>17 neck restraint?</p> <p>18 MR. ANGULO: Objection, mischaracterizes</p> <p>19 his testimony.</p> <p>20 MR. ANDERSON: Objection, form.</p> <p>21 A. You're saying what I specifically did to</p> <p>22 get, I just, after he was in custody he let go. If</p> <p>23 you're asking me if I did anything --</p> <p>24 MR. SAYRE:</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">Page 33</p> <p>1 you thought that Lopera had the, was applying the</p> <p>2 lateral vascular neck restraint for too long?</p> <p>3 A. Yes.</p> <p>4 Q. All right, and did you do you anything to</p> <p>5 stop him from applying the lateral vascular neck</p> <p>6 restraint when you decided he was applying it for</p> <p>7 too long?</p> <p>8 A. No.</p> <p>9 Q. You knew you had a duty to do that?</p> <p>10 MR. ANDERSON: Objection, form.</p> <p>11 MR. SAYRE:</p> <p>12 Q. Correct?</p> <p>13 A. If I felt as if he was then, yes, I would</p> <p>14 have.</p> <p>15 Q. And not only would that be a violation of</p> <p>16 the Las Vegas Metropolitan Police standards, but</p> <p>17 it's a violation of the Fourth Amendment, isn't it,</p> <p>18 as you're trained?</p> <p>19 MR. ANDERSON: Objection.</p> <p>20 MR. ANGULO: Objection, calls for a legal</p> <p>21 conclusion.</p> <p>22 MR. SAYRE:</p> <p>23 Q. You're trained in the Fourth Amendment in</p> <p>24 the academy, aren't you?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. And the Fourth Amendment means you are</p> <p>2 not allowed to engage in excessive force, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And if you see an officer engaged in</p> <p>5 excessive force you as an officer have a duty to</p> <p>6 intervene if necessary to prevent that officer from</p> <p>7 engaging in excessive force under the Fourth</p> <p>8 Amendment as you're trained?</p> <p>9 A. Yes.</p> <p>10 Q. Right, and you didn't do that, did you?</p> <p>11 MR. ANDERSON: Objection, form.</p> <p>12 A. I don't feel as if at the time being like</p> <p>13 this, I felt as if there was excessive force</p> <p>14 happening, then, yes, I would have stopped him.</p> <p>15 MR. SAYRE:</p> <p>16 Q. If he was applying the lateral vascular</p> <p>17 neck restraint for too long, isn't that excessive</p> <p>18 force?</p> <p>19 MR. ANDERSON: Objection, form.</p> <p>20 MR. ANGULO: Join the objection.</p> <p>21 A. Yes.</p> <p>22 MR. SAYRE: Okay.</p> <p>23 Q. You felt that among the things that went</p> <p>24 wrong that early morning was that once Mr. Farmer</p> <p>25 was cuffed that Officer Lopera should have been</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. And he failed to release his hold, isn't</p> <p>2 that right?</p> <p>3 MR. ANDERSON: Objection, form.</p> <p>4 MR. ANGULO: Calls for speculation.</p> <p>5 A. I believe at the time he did.</p> <p>6 MR. SAYRE:</p> <p>7 Q. Okay, when you arrived with</p> <p>8 Officer Tran --</p> <p>9 A. Yes.</p> <p>10 Q. -- already present was Sgt. Crumrine?</p> <p>11 A. That's correct.</p> <p>12 Q. And Officer Lopera.</p> <p>13 A. That's correct.</p> <p>14 Q. So once the four of you were there there</p> <p>15 were four officers, and you were confident with</p> <p>16 four officers you could take Mr. Farmer into</p> <p>17 custody?</p> <p>18 A. Yes.</p> <p>19 Q. And therefore it was unnecessary for</p> <p>20 Officer Lopera to continue his hold once there were</p> <p>21 four officers there, correct?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Is it correct that you felt</p> <p>24 that Sgt. Crumrine never took charge of the events</p> <p>25 that were going on there?</p>
<p style="text-align: right;">Page 35</p> <p>1 separated from him, correct?</p> <p>2 A. What page is that?</p> <p>3 Q. 75.</p> <p>4 A. And what number is that?</p> <p>5 Q. Let me get there, and I'll help you.</p> <p>6 MR. McNUTT: Would you repeat the</p> <p>7 question, please?</p> <p>8 MR. SAYRE: Of course, I'll be happy to</p> <p>9 do that.</p> <p>10 It's 75 over to 76.</p> <p>11 Q. Your answer at the bottom of 75. The</p> <p>12 question is among the things that you felt went</p> <p>13 wrong that night is that once Mr. Loper --</p> <p>14 Mr. Farmer was cuffed that there should have been a</p> <p>15 separation of Officer Lopera from him?</p> <p>16 A. Yes, correct.</p> <p>17 Q. And you attribute that for the need for</p> <p>18 better communications?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. Another thing that you felt was</p> <p>21 that with four officers there, Officer Lopera should</p> <p>22 have been told to release his hold because you had</p> <p>23 enough officers there to control Mr. Farmer?</p> <p>24 A. I believe he was told to release his</p> <p>25 hold.</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I remember I think he did take some</p> <p>2 charge, but everything that was needed with</p> <p>3 Sgt. Crumrine.</p> <p>4 Q. Take a look at page 63. The question is</p> <p>5 at line 15. Your response is at line 16 and 17.</p> <p>6 A. I said I can't remember if he at that</p> <p>7 time.</p> <p>8 Q. Right, you said, "I can't remember him</p> <p>9 taking charge. I can't remember if he said</p> <p>10 anything."</p> <p>11 A. That's correct.</p> <p>12 Q. Were you being truthful when you said</p> <p>13 that?</p> <p>14 A. Yes.</p> <p>15 Q. So in fact it wasn't until about</p> <p>16 five minutes later that another sergeant arrived who</p> <p>17 took charge of the scene, correct?</p> <p>18 A. Yes.</p> <p>19 Q. That was Officer Zach, Sgt. Zach?</p> <p>20 A. I can't remember the sergeant's name.</p> <p>21 Q. Sure, but there was another sergeant that</p> <p>22 came up about five minutes later and took charge of</p> <p>23 the scene?</p> <p>24 A. Yes, right.</p> <p>25 Q. Up until then it was pretty chaotic,</p>

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<p style="text-align: right;">Page 38</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. On page 64 I think you mentioned</p> <p>4 Officer Zach's name or maybe I don't have it --</p> <p>5 A. I don't think it was Shaq.</p> <p>6 Q. On page 65. You say --</p> <p>7 A. I think it was Officer Shaq.</p> <p>8 Q. Zach, Z-a-c-h?</p> <p>9 A. I think that's it.</p> <p>10 Q. You said Zach, the newer sergeant?</p> <p>11 A. I believe his name is Shaq.</p> <p>12 Q. How do you spell it?</p> <p>13 A. S-h-a -- I don't know the rest, but I</p> <p>14 believe it's Shaq.</p> <p>15 Q. Okay, like Shaquille O'Neal?</p> <p>16 A. Similar, it sounds.</p> <p>17 Q. You heard your partner tell</p> <p>18 Officer Lopera to loosen up on Mr. Farmer?</p> <p>19 A. I believe I heard someone say that.</p> <p>20 Q. Take a look at 62.</p> <p>21 A. Yes, Tran, my partner Tran, loosen up.</p> <p>22 Q. Yes, 'cuz you had him cuffed, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And what was going through your mind at</p> <p>25 the time was, "Hey, we've got compliance. If he's</p>	<p style="text-align: right;">Page 40</p> <p>1 Officer Lopera was on his back and had his chest up</p> <p>2 against the back of Mr. Farmer?</p> <p>3 A. Yes.</p> <p>4 Q. He was, he had a neck hold on him and he</p> <p>5 had his legs around his mid section approximately?</p> <p>6 A. Yes.</p> <p>7 Q. And you saw that Sgt. Crumrine was down</p> <p>8 at the feet of Mr. Farmer facing looking into</p> <p>9 Mr. Farmer?</p> <p>10 A. Yes.</p> <p>11 Q. Okay, so Mr. Farmer was face up towards</p> <p>12 Officer Crumrine?</p> <p>13 A. That's correct.</p> <p>14 Q. And Officer Crumrine was faced down, if</p> <p>15 you will, towards Mr. Farmer, correct?</p> <p>16 A. Yes.</p> <p>17 Q. All right. So Officer Crumrine, there</p> <p>18 was nothing in the way of him being able to see when</p> <p>19 Mr. Farmer went unconscious?</p> <p>20 MR. McNUTT: Vague and ambiguous.</p> <p>21 MR. ANGULO: Objection, calls for</p> <p>22 speculation.</p> <p>23 A. I don't know what Sgt. Crumrine was</p> <p>24 seeing at that point.</p> <p>25 MR. SAYRE:</p>
<p style="text-align: right;">Page 39</p> <p>1 telling you to loosen up there is no longer a need</p> <p>2 to do anything to try to gain compliance 'cuz he's</p> <p>3 already handcuffed"?</p> <p>4 A. Yes.</p> <p>5 Q. But Officer Lopera continued to maintain</p> <p>6 the lateral vascular neck restraint for some period</p> <p>7 of time?</p> <p>8 MR. ANDERSON: Objection, form.</p> <p>9 A. I don't remember.</p> <p>10 MR. SAYRE: Okay.</p> <p>11 I'm almost done.</p> <p>12 Q. Now, when you came up on the scene you</p> <p>13 got out of your car. Officer Tran got out of his</p> <p>14 car. He actually got out first?</p> <p>15 A. Officer Tran did, yes.</p> <p>16 Q. And you went basically up to the head</p> <p>17 area to see if you could help in gaining control or</p> <p>18 compliance of Mr. Farmer?</p> <p>19 A. Yes.</p> <p>20 Q. But it was already busy up there because</p> <p>21 Lopera was there and Tran had gone there?</p> <p>22 A. Yes.</p> <p>23 Q. So you went down to the legs?</p> <p>24 A. Correct.</p> <p>25 Q. All right. Now, you saw that</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Understand, but there was nothing</p> <p>2 physically in the way between Crumrine looking</p> <p>3 towards Mr. Farmer, Farmer looking up towards</p> <p>4 Sgt. Crumrine?</p> <p>5 A. Correct.</p> <p>6 MR. ANDERSON: Objection, form.</p> <p>7 MR. SAYRE:</p> <p>8 Q. Farmer was not physically fighting</p> <p>9 Lopera, correct?</p> <p>10 A. I don't -- at the time being I thought he</p> <p>11 was.</p> <p>12 Q. Well, you didn't, he wasn't throwing any</p> <p>13 punches?</p> <p>14 A. No.</p> <p>15 Q. He wasn't doing any kicks?</p> <p>16 A. No.</p> <p>17 Q. And when you got a hold of him you were</p> <p>18 surprised at how little resistance he was having to</p> <p>19 your seeking to grab his arms?</p> <p>20 A. I went towards his leg. I do believe I</p> <p>21 felt some resistance. I don't know at the time</p> <p>22 being I thought it was Tashi Farmer. I don't know</p> <p>23 if everyone was just grabbing, you know, everyone</p> <p>24 was just wrestling around, but go back to your</p> <p>25 question with cuffs?</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. Well, when you were seeking to cuff him</p> <p>2 you were surprised at how little resistance</p> <p>3 Mr. Brown, Mr. Farmer was expressing?</p> <p>4 A. I believe I did feel a little resistance.</p> <p>5 Q. Well, he was not punching or kicking,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And you segmented him by putting one leg</p> <p>9 over the other to gain compliance?</p> <p>10 A. Correct.</p> <p>11 Q. Right, and he wasn't kicking at all while</p> <p>12 you were doing that?</p> <p>13 A. No.</p> <p>14 Q. Farmer's legs were heavy, but they were</p> <p>15 not kicking?</p> <p>16 A. Correct.</p> <p>17 Q. You felt that some of the movement was</p> <p>18 likely because there were three officers and a</p> <p>19 sergeant that were basically moving around?</p> <p>20 A. Some movement, yes.</p> <p>21 Q. Your partner said, "Ease up, ease up on</p> <p>22 him"; do you remember that?</p> <p>23 A. I remember the loosen up. Where does it</p> <p>24 say ease up?</p> <p>25 Q. Page 31.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I wasn't sure who that was coming from.</p> <p>2 Q. Right. Page 72, take a look at that.</p> <p>3 A. "I don't remember, at the time, who it</p> <p>4 was coming from." That's correct. I don't remember</p> <p>5 at the time who it was coming from.</p> <p>6 Q. Right, you thought it was coming from</p> <p>7 Lopera?</p> <p>8 A. I thought it was either. It sounded like</p> <p>9 Lopera a little bit.</p> <p>10 Q. Right, and you acknowledge that if the</p> <p>11 lateral vascular neck restraint had been properly</p> <p>12 applied Farmer wouldn't have been able to speak?</p> <p>13 A. Yes.</p> <p>14 Q. So your conclusion would be it would have</p> <p>15 to be Lopera?</p> <p>16 MR. ANGULO: Objection.</p> <p>17 MR. ANDERSON: Objection, form.</p> <p>18 MR. SAYRE:</p> <p>19 Q. Correct?</p> <p>20 A. That, I don't know at the time.</p> <p>21 Q. At least it did sound like Lopera?</p> <p>22 A. Yes.</p> <p>23 Q. All right. But on, you also did say that</p> <p>24 you were aware that Lopera had him in the lateral</p> <p>25 vascular neck restraint over a minute?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. What line is it?</p> <p>2 Q. Let's see.</p> <p>3 A. Oh, on the bottom, 22.</p> <p>4 Q. Right.</p> <p>5 A. Yes.</p> <p>6 Q. "Ease up on him," and at that point you</p> <p>7 already had him cuffed, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Also was stated, "You could get off him"?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And Lopera continued to hold him</p> <p>12 in the lateral vascular neck restraint?</p> <p>13 A. I believe so.</p> <p>14 Q. Can you look at 32 if it refreshes. You</p> <p>15 said, I'm assuming he still had him in the lateral</p> <p>16 vascular neck restraint.</p> <p>17 A. What number is that?</p> <p>18 Q. Line 4.</p> <p>19 A. Yes.</p> <p>20 Q. You heard somebody say, "Get off of my</p> <p>21 fucking legs"?</p> <p>22 A. Yes.</p> <p>23 Q. Right, and it sounded like Lopera to you?</p> <p>24 A. I don't recall who it sounded like.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. ANDERSON: Objection, form.</p> <p>2 MR. ANGULO: Objection, asked and</p> <p>3 answered, mischaracterizes --</p> <p>4 MR. SAYRE: Page 73. Line 6 is the</p> <p>5 question. The response is line 8.</p> <p>6 MR. ANGULO: Counsel, if you could while</p> <p>7 I'm making my objection, if you would let me finish</p> <p>8 my objection that would be great.</p> <p>9 MR. SAYRE: Sure.</p> <p>10 THE WITNESS: Can you repeat the</p> <p>11 question?</p> <p>12 MR. SAYRE: Yeah.</p> <p>13 Q. Isn't it correct that you state that</p> <p>14 Lopera had the lateral vascular restraint for over a</p> <p>15 minute?</p> <p>16 A. And you're saying on line 8?</p> <p>17 Q. Yeah.</p> <p>18 A. I wouldn't say over a minute.</p> <p>19 Q. Look at line 13.</p> <p>20 A. It seemed like 30 seconds. I guess I</p> <p>21 said at the time being I felt like it was over a</p> <p>22 minute.</p> <p>23 Q. Yeah, that's what you said. Were you</p> <p>24 being truthful when you said that?</p> <p>25 MR. McNUTT: Objection, that misstates</p>

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<p style="text-align: right;">Page 46</p> <p>1 the transcript.</p> <p>2 MR. SAYRE: No, page 13 -- line 13 does</p> <p>3 not misstate.</p> <p>4 MR. McNUTT: Well, if you go back up to</p> <p>5 11.</p> <p>6 MR. SAYRE: He said he feel like it was</p> <p>7 over a minute.</p> <p>8 MR. McNUTT: I don't feel like it's over</p> <p>9 a minute.</p> <p>10 A. Yeah, he's saying, 11, it continues, but</p> <p>11 I don't feel like it was over a minute.</p> <p>12 MR. SAYRE:</p> <p>13 Q. All right, so it was somewhere near a</p> <p>14 minute?</p> <p>15 MR. ANGULO: Objection, asked and</p> <p>16 answered.</p> <p>17 A. Somewhere under a minute.</p> <p>18 MR. SAYRE:</p> <p>19 Q. Close to a minute?</p> <p>20 MR. ANDERSON: Objection, form.</p> <p>21 MR. McNUTT: Objection, form.</p> <p>22 MR. ANGULO: Same objection.</p> <p>23 A. Sometime under a minute possibly.</p> <p>24 MR. SAYRE: Okay.</p> <p>25 Q. You had an interview with</p>	<p style="text-align: right;">Page 48</p> <p>1 was actively resisting was because Lopera was</p> <p>2 holding him around the neck?</p> <p>3 A. At the time being are you saying that's</p> <p>4 why I felt like that Tashi Farmer was actively</p> <p>5 resisting?</p> <p>6 Q. That's right.</p> <p>7 A. I did not know at the time, no.</p> <p>8 Q. Okay, take a look at page 56, the bottom</p> <p>9 of the page.</p> <p>10 A. "So my train of thought is he's still</p> <p>11 actively resisting."</p> <p>12 Q. Right.</p> <p>13 A. Correct.</p> <p>14 Q. And over to the next page. "Because the</p> <p>15 fact that Lopera's still holding onto him."</p> <p>16 A. Correct.</p> <p>17 Q. That was your thinking at the time?</p> <p>18 A. Correct.</p> <p>19 Q. When you grabbed a hold of Farmer he</p> <p>20 didn't feel sweaty to you, correct?</p> <p>21 A. What page is that? I don't recall.</p> <p>22 Q. Page 60.</p> <p>23 MR. ANDERSON: Sorry, Fred, what page?</p> <p>24 MR. SAYRE: 60.</p> <p>25 A. I was not able to tell. I don't</p>
<p style="text-align: right;">Page 47</p> <p>1 Officer Rybacki, correct?</p> <p>2 A. An interview?</p> <p>3 Q. Discussion.</p> <p>4 A. Yes, I believe so.</p> <p>5 Q. Right, and you told Officer Rybacki that</p> <p>6 "He was definitely out when we got there." Take a</p> <p>7 look at page 45.</p> <p>8 A. Yes.</p> <p>9 Q. And you also said, "Especially with what</p> <p>10 Lopera was saying"?</p> <p>11 A. I don't remember saying that, but --</p> <p>12 Q. That he was acting really sporadic.</p> <p>13 MR. ANGULO: Objection, vague and</p> <p>14 ambiguous.</p> <p>15 A. I don't remember saying that.</p> <p>16 MR. SAYRE:</p> <p>17 Q. Does it refresh your recollection?</p> <p>18 A. Not saying that, no.</p> <p>19 Q. Well, did you say, "Oh, he was definitely</p> <p>20 out when we got there"?</p> <p>21 A. I do believe I, I believe so, yes.</p> <p>22 Q. And did you say that he, Lopera, hit him</p> <p>23 in the eye?</p> <p>24 A. I don't remember saying that.</p> <p>25 Q. The only reason that you felt that Farmer</p>	<p style="text-align: right;">Page 49</p> <p>1 remember.</p> <p>2 MR. SAYRE: Okay. I think I'm done.</p> <p>3 I have nothing further.</p> <p>4 MR. ANDERSON: Okay, can you hear okay</p> <p>5 without a microphone? And does that work?</p> <p>6 THE COURT REPORTER: Sure.</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 BY MR. ANDERSON:</p> <p>10 Q. So, Officer Flores, let me, let me take</p> <p>11 this chronologically. When you and Officer Tran</p> <p>12 arrive in the vehicle tell me, you get out of the</p> <p>13 car and you, you go to Lopera and Mr. Brown,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay, so when you get there what do you</p> <p>17 do?</p> <p>18 A. When I got there I remember I was on the</p> <p>19 radio giving our location of where we were at. I</p> <p>20 believe I said in the rear parking lot of Venetian.</p> <p>21 Q. And what information did you have on what</p> <p>22 was going on between Officer Lopera and Mr. Brown</p> <p>23 when you arrived?</p> <p>24 A. Limited to none. It was just a red.</p> <p>25 Q. And what does just a red mean?</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. That there is an emergency.</p> <p>2 Q. So as you get to the scene, what's your</p> <p>3 initial goal?</p> <p>4 A. To get the subject at the time in</p> <p>5 custody.</p> <p>6 Q. So you go to Mr. Brown and</p> <p>7 Officer Lopera, and where do you initially focus</p> <p>8 your attention?</p> <p>9 A. I go to the top, towards Mr. Brown's</p> <p>10 head.</p> <p>11 Q. And do you have any recollection of</p> <p>12 visualizing Mr. Brown's head?</p> <p>13 A. I can't remember.</p> <p>14 Q. Do you know if he was conscious or</p> <p>15 unconscious at that time?</p> <p>16 A. I could not tell.</p> <p>17 Q. And were you given orders as to what to</p> <p>18 do or were you just deciding what to do based upon</p> <p>19 what you were observing?</p> <p>20 A. Based upon what I was observing.</p> <p>21 Q. Okay, so what did you do next?</p> <p>22 A. I went up towards the subject,</p> <p>23 Tashi Farmer's head, and my partner was there, Tran,</p> <p>24 and Sgt. Crumrine was around his waist area I</p> <p>25 believe, so I went down to his legs, and I heard</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay, and so what did you do next?</p> <p>2 A. I went towards his legs and segmented his</p> <p>3 legs and went ahead and tried to help get him into</p> <p>4 compliance or custody of him I should say.</p> <p>5 Q. When you say you segmented his legs, what</p> <p>6 does that mean? Are you grabbing his legs?</p> <p>7 A. I grab his legs. I fold his legs over.</p> <p>8 I use the leverage of my body, my legs, to put</p> <p>9 pressure on his legs, so --</p> <p>10 Q. Did you -- go ahead.</p> <p>11 A. So he doesn't move around.</p> <p>12 Q. From your perception was he still</p> <p>13 attempting to move around? Did you feel resistance?</p> <p>14 A. I remember I did feel resistance at the</p> <p>15 time.</p> <p>16 Q. And so it was your perception he was</p> <p>17 still struggling?</p> <p>18 A. That's correct.</p> <p>19 Q. Is anyone issuing any verbal commands at</p> <p>20 this time?</p> <p>21 A. I believe so, but I can't recall exactly</p> <p>22 what was said.</p> <p>23 Q. Okay. And so when you segment his legs</p> <p>24 what happens next?</p> <p>25 A. I remember we were able to see one arm</p>
<p style="text-align: right;">Page 51</p> <p>1 someone say, "Get off my fucking legs."</p> <p>2 Q. Did you ever hear Sgt. Crumrine say</p> <p>3 anything to Lopera about the LVNR hold?</p> <p>4 A. No, I can't recall, not to my knowledge.</p> <p>5 Q. At that time was it your perception, was</p> <p>6 Mr. Brown, Farmer Brown, resisting or not resisting?</p> <p>7 A. My perception was he was resisting.</p> <p>8 Q. And what was that based upon?</p> <p>9 A. All the commotion, moving back and forth,</p> <p>10 seemed as if there was a wrestling match going on.</p> <p>11 Q. So at that time your perception was he</p> <p>12 was still conscious?</p> <p>13 A. That's correct.</p> <p>14 Q. And so what do you do next?</p> <p>15 A. I went towards his legs to go towards</p> <p>16 segmenting, which they taught us in the academy.</p> <p>17 Q. Okay, tell me what segmenting is.</p> <p>18 A. It's to gain compliance by going towards</p> <p>19 different sections of a person's body in order for</p> <p>20 him to neutralize and gain compliance to get him</p> <p>21 into custody.</p> <p>22 Q. Okay, was it your understanding that the</p> <p>23 officers were just trying to handcuff him, that was</p> <p>24 the goal to get him into handcuffs?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 53</p> <p>1 that was cuffed, his left arm, and the right arm I</p> <p>2 could not see so I went ahead and reached for my</p> <p>3 cuffs to get his other arm attached to the one cuff</p> <p>4 that was swinging around.</p> <p>5 Q. Okay, so did you personally see a</p> <p>6 handcuff swinging around?</p> <p>7 A. I seen a handcuff. I believe his left</p> <p>8 hand.</p> <p>9 Q. Okay, and so you took out your own cuffs?</p> <p>10 A. Yes.</p> <p>11 Q. With the goal of doing what?</p> <p>12 A. Getting the handcuff on the hand I</p> <p>13 couldn't see and attaching the two cuffs.</p> <p>14 Q. Okay, so you double link him?</p> <p>15 A. Correct.</p> <p>16 Q. Were you able to successfully do that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And how much time passed from the</p> <p>19 time that you arrived at his head until you were</p> <p>20 able to get him cuffed?</p> <p>21 A. I would say approximately 30 seconds,</p> <p>22 maybe a minute.</p> <p>23 Q. Now, when you give time estimates were</p> <p>24 you timing this with a watch or anything?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q. Okay, so you're just going by 2 recollection? 3 A. That's correct. 4 Q. So after you get him into cuffs, so now 5 he's cuffed, what is your recollection as to how 6 long until Tran said, "Loosen up, loosen up"? 7 A. Could have been approximately 30 seconds 8 or right away he was cuffed. 9 Q. So it's somewhere between right away and 10 30 seconds? 11 A. Correct. 12 Q. If I could get you to turn to page 36 of 13 your statement. And if you would start, just start 14 at line 11 and read down to 22. 15 A. (Witness complies.) So like a couple 16 seconds later he released him altogether. 17 Q. Okay, so when you were speaking on 18 page 36 it was your recollection that after he was 19 cuffed he was released after just a couple of 20 seconds; is that correct? 21 A. Correct. 22 Q. And then if you would turn to 23 page 73, which we were already on, and read lines 8 24 to 11 to yourself. 25 A. (Witness complies.) It would be like</p>	<p style="text-align: right;">Page 56</p> <p>1 comments? 2 A. I believe so, yes. 3 Q. Now, you testified that you didn't make 4 any commands. Was Tran your supervisor? 5 A. No. 6 Q. Okay, were you equal? 7 A. Yes. 8 Q. How does it work in giving commands to 9 other officers, do you both give commands or just 10 one? 11 A. Negative, one, one officer gives a 12 command. 13 Q. So after Tran gave his command did you 14 feel like you needed to give a further command? 15 A. No. 16 Q. And did you ever hear Officer or Sgt., 17 Sgt. Crumrine ever give any commands personally? 18 A. I believe I do remember. I don't believe 19 so. I can't recall. 20 Q. When did you learn personally that 21 Mr. Farmer Brown was unconscious? 22 A. After the release was, the hold was 23 released, and Tashi Farmer was turned I did notice 24 that his nose I believe was bleeding and his mouth 25 had some foam on it I believe, and then I realized</p>
<p style="text-align: right;">Page 55</p> <p>1 five seconds after. 2 Q. So there you estimated it was about 3 five seconds after he was cuffed that he was 4 released? 5 A. That's correct. 6 Q. And then on page 74 on lines 9 and 10 you 7 agreed with the interviewing officer that it was a 8 few seconds after the handcuffing that he was 9 released, correct? 10 A. Yes. 11 Q. So when you gave your statement you 12 stated that Officer Lopera released the neck 13 restraint anywhere from a couple of seconds and 14 then -- but it was less than a minute was your 15 estimate, right? 16 A. Yes. 17 Q. Okay. As you sit here today do you have 18 an opinion as to how long after the cuffing until he 19 was released? 20 A. It was shortly after -- when he was 21 cuffed how long it took to release? 22 Q. Yes, after the handcuffing was complete, 23 how long until Officer Lopera released the LVNR? 24 A. A couple seconds. 25 Q. And was that based upon Tran making those</p>	<p style="text-align: right;">Page 57</p> <p>1 then Officer Tran and myself should sit him up, try 2 to revive him, give him a slap on the back, and then 3 that's when we called for medical. It was after he 4 was turned, after -- 5 Q. And he would have been handcuffed at that 6 point? 7 A. Correct. 8 Q. So prior to the handcuffing being 9 completed did you have any information or visualize 10 anything that would have led you to believe that 11 Mr. Farmer Brown was unconscious? 12 A. No. 13 Q. And then you immediately called medical? 14 A. Correct. 15 Q. When you were in the middle of the scene 16 would you agree that the scene was chaotic? 17 A. Yes. 18 Q. While you were attempting to handcuff did 19 you ever perceive during the handcuffing event that 20 Officer Lopera was using what you believed to be 21 unreasonable force? 22 A. No. 23 Q. And so prior to the handcuffing did you 24 have any reason to believe that Officer Lopera was 25 acting improperly based upon how you understood the</p>

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<p style="text-align: right;">Page 58</p> <p>1 situation?</p> <p>2 A. No.</p> <p>3 MR. ANDERSON: I have nothing further.</p> <p>4 MR. McNUTT: I just have a couple</p> <p>5 questions, but if you want to follow up.</p> <p>6 MR. SAYRE: Yes, just a little bit.</p> <p>7</p> <p>8 FURTHER EXAMINATION</p> <p>9 BY MR. SAYRE:</p> <p>10 Q. Take a look at page 73, please. The</p> <p>11 person who is conducting the interview at this</p> <p>12 point, his initials are KK, and he says at line 14,</p> <p>13 So th- um, so because, when Greg asked you about how</p> <p>14 long you think Officer Lopera had Farmer in the</p> <p>15 LVNR, you said about over a minute, and you</p> <p>16 answered, correct, I would say maybe around that</p> <p>17 time, approximately. Were you being truthful when</p> <p>18 you said that?</p> <p>19 A. Yes.</p> <p>20 Q. "Okay," he says, "so 30 seconds to get</p> <p>21 him into custody and another 30 seconds in the</p> <p>22 LVNR?" and you said, "It seemed that way. I don't</p> <p>23 remember - oh, do you mean, 'til he completely let</p> <p>24 go?" "Yeah." Is that -- "How long until he</p> <p>25 let --" "Um." -- go of the LVNR completely?"</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Yes.</p> <p>2 Q. Are there different levels of the LVNR</p> <p>3 technique?</p> <p>4 A. Yes.</p> <p>5 Q. How many levels are there?</p> <p>6 A. Three.</p> <p>7 Q. Levels, what are they?</p> <p>8 A. There's 1, 2, and 3. They are different</p> <p>9 levels of pressure you would apply.</p> <p>10 Q. And what, so explain the different --</p> <p>11 what is an LVNR No. 1? What type of pressure would</p> <p>12 you apply?</p> <p>13 A. You would have your arms at zero</p> <p>14 degrees. This (indicating) is an LVNR 1 where</p> <p>15 you're just trying to gain compliance. 2 would be I</p> <p>16 believe at 45 degrees, and 3 is 90 elevated against</p> <p>17 him.</p> <p>18 Q. Do you know which LVNR technique</p> <p>19 Mr. Lopera was using at the time?</p> <p>20 A. I could not tell at the time.</p> <p>21 Q. When Mr. Lopera had his right arm around</p> <p>22 Mr. Farmer's head, neck, chest area, is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. Is that the way you demonstrated it, and</p>
<p style="text-align: right;">Page 59</p> <p>1 "Uh, I would say he got anywhere between that</p> <p>2 30 seconds and a minute. We're, like, 'Hey, you can</p> <p>3 let up, um, to get him cuffed.' I can't recall</p> <p>4 exactly." What you said there, was that truthful?</p> <p>5 A. Yes.</p> <p>6 MR. SAYRE: I have nothing further.</p> <p>7 MR. McNUTT: Officer Flores, I have a</p> <p>8 couple questions for you. I represent Ken Lopera.</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. McNUTT:</p> <p>12 Q. So during the period of time when you</p> <p>13 showed up were, where were Ken's arms in relation to</p> <p>14 Mr. Farmer?</p> <p>15 A. I seen one of Ken's arms around Tashi</p> <p>16 Farmer's neck. I could not see the other hand at</p> <p>17 all.</p> <p>18 Q. And it was your perception at the time</p> <p>19 that he was using a LVNR technique?</p> <p>20 A. That is correct, yes.</p> <p>21 Q. Are you familiar with -- you're trained</p> <p>22 in the LVNR?</p> <p>23 A. Yes.</p> <p>24 Q. And you have recurring training in the</p> <p>25 LVNR?</p>	<p style="text-align: right;">Page 61</p> <p>1 was that the way it was?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know how much pressure he was</p> <p>4 applying or he was applying any pressure?</p> <p>5 A. No.</p> <p>6 Q. So when you say that he had the suspect</p> <p>7 in an LVNR, isn't it what you really mean is he had</p> <p>8 his arms in the LVNR position, but you don't know if</p> <p>9 pressure was applied?</p> <p>10 A. That's correct.</p> <p>11 Q. So whether it was 30 seconds or a minute</p> <p>12 or 90 seconds, you don't know if he had pressure</p> <p>13 applied for 10 of those seconds or the whole time,</p> <p>14 correct?</p> <p>15 A. I could not tell at all if he had</p> <p>16 pressure on him, correct.</p> <p>17 Q. Isn't it true that when you are rolling</p> <p>18 around with somebody that is actively resisting it's</p> <p>19 very difficult to keep an LVNR pressure applied?</p> <p>20 A. Yes.</p> <p>21 Q. So isn't it possible that during that</p> <p>22 struggle that the LVNR was not applied the whole</p> <p>23 time?</p> <p>24 MR. SAYRE: Objection, calls for</p> <p>25 speculation, lack of foundation.</p>

OFFICER MICHAEL FLORES

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<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 MR. McNUTT: Thank you, no further</p> <p>3 questions.</p> <p>4 MR. SAYRE: No questions.</p> <p>5 MR. ANDERSON: No questions.</p> <p>6 MR. SAYRE: Okay then, shall we stipulate</p> <p>7 that we'll send, we'll send the original to you.</p> <p>8 You'll have the witness examine it, make any changes</p> <p>9 or corrections 30 days and advise me of any changes</p> <p>10 or corrections, if any, and the fact that he signs</p> <p>11 it under penalty of perjury?</p> <p>12 MR. ANDERSON: Fair enough.</p> <p>13 MR. SAYRE: Do you want to maintain the</p> <p>14 original or do you want to send it back to me?</p> <p>15 MR. ANDERSON: I'll probably have you</p> <p>16 maintain it.</p> <p>17 MR. SAYRE: Okay, that's fine. Send it</p> <p>18 back to me.</p> <p>19 (Whereupon, Plaintiff's</p> <p>20 Exhibit No. 1 was marked for</p> <p>21 identification.)</p> <p>22 THE VIDEOGRAPHER: And just one more off</p> <p>23 the record, the time is 3:09.</p> <p>24 (Whereupon, the videotaped</p> <p>25 deposition concluded at 3:09 p.m.)</p>	<p style="text-align: right;">Page 64</p> <p style="text-align: center;">REPORTER'S CERTIFICATE</p> <p>1</p> <p>2</p> <p>3 STATE OF NEVADA)</p> <p style="text-align: center;">) ss</p> <p>4 COUNTY OF CLARK)</p> <p>5</p> <p>6 I, Margie L. Carlson, CCR No. 287, do hereby</p> <p>7 certify:</p> <p>8 That I reported the taking of the deposition</p> <p>9 of the witness, OFFICER MICHAEL FLORES, commencing</p> <p>10 on February 8, 2018, at the hour of 1:59 p.m.</p> <p>11 That prior to being examined, the witness was</p> <p>12 duly sworn to testify to the truth and that I</p> <p>13 thereafter transcribed said stenotypy notes and said</p> <p>14 deposition is a complete, true, and accurate</p> <p>15 transcription of said stenotypy notes taken down at</p> <p>16 said time.</p> <p>17 The witness and/or a party has requested to</p> <p>18 read and sign the deposition transcript.</p> <p>19 I further certify that I am not a relative or</p> <p>20 employee of any party involved in said action, nor a</p> <p>21 person financially interested in the action.</p> <p>22 Dated at Las Vegas, Nevada, this 20th day</p> <p>23 of February, 2018. <i>Margie L. Carlson</i></p> <p>24</p> <p>25 Margie L. Carlson CCR No. 287</p>
<p style="text-align: right;">Page 63</p> <p style="text-align: center;">DECLARATION OF DEPONENT</p> <p>1 PAGE LINE CHANGE REASON</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 *****</p> <p>16 I, OFFICER MICHAEL FLORES, deponent herein,</p> <p>17 do hereby declare the within and foregoing</p> <p>18 transcription to be my deposition in said action;</p> <p>19 that I have read, corrected and do hereby affix my</p> <p>20 signature to said deposition.</p> <p>21</p> <p style="text-align: center;">_____ OFFICER MICHAEL FLORES Deponent</p> <p>22 Dated by me this _____ day of</p> <p>23 2018.</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 65</p> <p>1 Errata Sheet</p> <p>2</p> <p>3 NAME OF CASE: ESTATE OF TASHI S. FARMER vs LAS VEGAS METRO P.D.</p> <p>4 DATE OF DEPOSITION: 02/08/2018</p> <p>5 NAME OF WITNESS: Officer Michael Flores</p> <p>6 Reason Codes:</p> <p>7 1. To clarify the record.</p> <p>8 2. To conform to the facts.</p> <p>9 3. To correct transcription errors.</p> <p>10 Page _____ Line _____ Reason _____</p> <p>11 From _____ to _____</p> <p>12 Page _____ Line _____ Reason _____</p> <p>13 From _____ to _____</p> <p>14 Page _____ Line _____ Reason _____</p> <p>15 From _____ to _____</p> <p>16 Page _____ Line _____ Reason _____</p> <p>17 From _____ to _____</p> <p>18 Page _____ Line _____ Reason _____</p> <p>19 From _____ to _____</p> <p>20 Page _____ Line _____ Reason _____</p> <p>21 From _____ to _____</p> <p>22 Page _____ Line _____ Reason _____</p> <p>23 From _____ to _____</p> <p>24</p> <p>25</p>